

**REMARKS**

This response responds to the Office Action dated October 16, 2008 in which the Examiner rejected claims 1, 3, 6 and 11-12 under 35 U.S.C. § 102 (b) and rejected claims 2, 4-5 and 7-10 under 35 U.S.C. § 103.

Claim 1 claims an image processing apparatus, claim 11 claims an image processing program and claim 12 claims an image processing method. The apparatus, program and method have a rotation body which can be pressed in a direction substantially in parallel with a rotation axis.

By having a rotation body which can be pressed in a direction substantially in parallel with a rotation axis, as claimed in claims 1 and 11-12, the claimed invention provides an image processing apparatus, program and method which allows entry of various commands more comfortably, accurately and efficiently in a portable information terminal. The prior art does not show, teach or suggest the invention as claimed in claims 1 and 11-12.

Claims 1, 3, 6 and 11-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Yamaguchi, et al.* (U.S. Publication No. 2002/0149621).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 102(b). The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

Applicants respectfully traverse the Examiner's statement that "clearly it (rotating member 11 in *Yamaguchi, et al.*) is not limited to only a perpendicular motion". Applicants respectfully submit that the Examiner's statement is not supported by the drawings (Figures 11-16) and the description ([0090-0114] in *Yamaguchi, et al.*).

Applicants respectfully submit that the Examiner is misreading paragraph [0089] of Yamaguchi, et al. In particular, paragraph [0089] states “The rotating member 11 is to be rotated forward and backward around an axial line which is set in the left-and-right direction of the body 1 and substantially parallel to the upper surface of the body 1”. While the Examiner insists that this means that the rotating member (can) be rotated forward and backward and... substantially parallel to the upper surface of the body 1, Applicants respectfully point out that this interpretation is not supported by the drawings and description in *Yamaguchi, et al.* This sentence should instead be read as “the rotating member 11 is to be rotated forward and backward around an axial line. The axial line is (a) set in the left-and-right direction of the body 1 and (b) substantially parallel to the upper surface of the body 1”. In other words, the axial line is substantially parallel to the upper surface of the body 1 and not the rotation of the rotating member.

Support for Applicants interpretation can be found first in Figure 12 of *Yamaguchi, et al.* which is a cross section of Figure 8 and which shows the rotating member wedged inside ornamental plate 42. As shown in Figure 12, there is no way for rotating member 11 to move parallel to axis  $\alpha$ . Rather, Figure 12 clearly shows that the rotating member 11 can only be pressed in the direction b which is perpendicular to the axis  $\alpha$ . Furthermore, Figure 12 clearly shows that the rotating member 11 can also be rotated about the axis  $\alpha$  as shown by arrow a. The rotation around the axial line  $\alpha$  (direction a) and perpendicular to the axial line  $\alpha$  (direction b) is also shown in Figures 11, 14 and 16. Finally, Applicant respectfully brings the Examiner’s attention to Figure 15 which shows the holding bracket 22 having an aperture 22b having a substantially rectangular shape corresponding the shape of the rotating member 11. As shown in Figure 15, the rotating member 11 cannot move parallel to the axial direction  $\alpha$  due to the

aperture 22b surrounding the rotating member 11.

Thus, nothing in Yamaguchi, et al. shows, teaches or suggest a rotating body pressed in a direction substantially in parallel with a rotation axis as claimed in claims 1 and 11-12. Rather, Yamaguchi, et al. clearly discloses in Figures 11-16 that the rotating member 11 can only be pressed in a direction b which is perpendicular to the rotation axis  $\alpha$ .

Since nothing in Yamaguchi, et al. shows, teaches or suggests a rotation body pressed in a direction substantially in parallel with a rotation axis as claimed in claims 1 and 11-12. Applicants respectfully request the Examiner withdraws the rejection to claims 1 and 11-12 under 35 U.S.C. § 102 (b).

Claim 2 was rejected under 35 U.S.C. § 103 as being unpatentable over *Yamaguchi, et al.* in view of *Tatsuya, et al.* (JP2001-184158). Claims 4-5 and 7-10 were rejected under 35 U.S.C. § 103 as being unpatentable over *Yamaguchi, et al.* in view of *Mugura, et al.* (U.S. Publication No. 2002/0054106). Claim 10 was rejected under 35 U.S.C. § 103 as being unpatentable over *Yamaguchi, et al.* and *Mugura, et al.*, and further in view of *Tatsuya, et al.*

Applicants respectfully traverse the Examiner's rejection of claims 2, 4-5 and 7-10 under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since nothing in *Yamaguchi, et al.* shows, teaches or suggests the primary features as claimed in claim 1, Applicants respectfully submit that the combination of the primary reference with the secondary reference to *Mugura, et al.* and *Tatsuya, et al.* will not overcome the deficiencies of the primary reference. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2, 4-5 and 7-10 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should the Examiner find that the application is not now in condition for allowance, Applicants respectfully request the Examiner enters this response for purposes of appeal.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

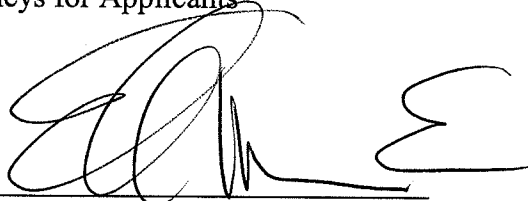
In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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Date: December 4, 2008

By: \_\_\_\_\_

  
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